

Lewis and Clark County Water Quality Protection District

316 North Park Avenue Helena Montana 59623

SENATE NATURAL RESOURCES

LEGISLATION NO. 17

DATE Jan 28, 2009

BILL NO. SB 120

January 28, 2009

Chairman Kelly Gebhardt
Members of the Senate Natural Resources Committee
Montana Senate
PO Box 200400
Helena, MT 59620-0400

RE: SB 120

Dear Chairman Gebhardt and Natural Resources Committee Members:

The Lewis and Clark County Water Quality Protection District supports Senate Bill 120, revising Controlled Ground Water Area laws, with amendments as attached. The Lewis and Clark County Water Quality Protection District is a division of the Lewis and Clark County Health Department. There are two temporary controlled groundwater areas within Lewis and Clark County.

Senate Bill 120 provides much needed clarification of the Controlled Ground Water Area laws by replacing the contested case process with a defined administrative process for establishing these areas. The use of the contested case process has increased conflict and added tremendous expense for both state and local agencies, as well as members of the public. We believe the controlled ground water area process should be based in science, not politics and land use. Use of an administrative process will refocus efforts to addressing ground water issues.

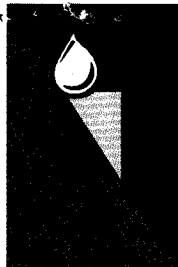
The Lewis and Clark County Water Quality Protection District does not support the removal of the provision that allows public participation in the petition process. Requiring members of the public to petition through yet another layer of government does not resolve problems that have been encountered with this law and serves only to increase the level of government involvement. Rather, by increasing the number of petitioners and requiring that petitioners are water rights holders within the area of interest, focus can be brought to bear on the issue at hand; water quantity and/or quality.

Many local governments do not have the resources or expertise to initiate or review petitions for controlled ground water areas, particularly when there are multiple controlled ground water areas within a local jurisdiction. The Department of Natural Resources and Conservation is the appropriate agency to review these requests.

We urge you to support Senate Bill 120 with the attached amendments reinstating the public petition process.

Respectfully,

Kathy Moore
Administrator
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406-457-8926



Lewis and Clark County Water Quality Protection District

AMENDMENTS TO SENATE BILL 120

1. Strike material only

Page 11, line 2.

Following: "risks;"

Strike: "or"

2. Insert material following stricken material

Page 11, line 4

Strike: "."

Insert: ";or

(d) submission of a correct and complete petition signed by owners of at least one-third of the water rights in the department's records with a point of diversion of water within the boundaries of the proposed controlled ground water area. The correct and complete petition submitted to the department must include documentation that a copy of the petition has been provided to the county, municipality, local water quality district, and conservation district with jurisdiction wholly or partially over the area within the boundaries of proposed CGWA."